

### **REMARKS**

This application has been reviewed in light of the Office Action mailed on April 25, 2003. Claims 1-13 are pending in the application with Claims 1, 7 and 13 being in independent form. By the present amendment, Claims 1, 6-7 and 12-13 have been amended. No new matter or issues are believed to be introduced by the amendments.

#### **I. Rejection of Claims 6 and 12 Under 35 U.S.C. §112, Second Paragraph**

Claims 6 and 12 were rejected under 35 U.S.C. §112, second paragraph due to the use of the indefinite phrase “viz a viz”. The phrase was misspelled and was intended to be “vis-à-vis” meaning “with respect to”. For purposes of clarity, Claims 6 and 12 have been amended, replacing the phrase “viz a viz” with the phrase “with respect to”.

#### **II. Rejection of Claims 1, 3-5, 7, 9-11 and 13 Under 35 U.S.C. §102(b)**

Claims 1-4, 10-13 and 19 were rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 6,084,598 issued to Chekerylla (“Chekerylla”).

Amended Claim 1 recites: “A method for providing and processing a cursored user interaction with a spatially displayed medical image and performing image processing on ~~such~~ said medical image, wherein said method comprises the steps of: providing a menu-less graphical interface having a plurality of sensitive areas positioned at predetermined relative positions with respect to an associated medical image display field; and controlling a mouse configured such that positionings and/or actuations of said mouse within said plurality of sensitive areas allows activation and control of a plurality of processing functionalities respectively associated with each of said plurality of

sensitive areas” (emphasis added). Claims 7 and 13 recite similar language as Claim 1.

Additionally, the specification of Applicant’s invention explicitly discloses the lack of a menu or button-like interface elements. Chekerylla, on the other hand, specifically discloses the display of sub-controls and sub-tools as a consequence of clicking on a control element. This behavior is analogous to clicking a button or selecting an option from a menu as is commonly known in the prior art. Further, this button-like behavior as described in Chekerylla in fact teaches away from Applicant’s disclosed invention, in which the activation and control of a function is performed through mouse positionings and activations occurring within a sensitive area associated with that function. Therefore, it is believed that Claims 1, 7 and 13 are patentably distinct over the prior art reference and accordingly, withdrawal of the rejection with respect to Claims 1, 7 and 13 under 35 U.S.C. §102(b) over Chekerylla and allowance thereof are respectfully requested.

Claims 3-5 and 9-11 depend from independent Claims 1 and 7 and thus are limited by the language recited by these independent claims. Accordingly, for at least the reasons given above for Claim 1 and 7, withdrawal of the rejection with respect to Claims 3-5 and 9-11 under 35 U.S.C. §102(b) over Chekerylla and allowance thereof are respectfully requested.

### **III. Rejection of Claims 2 and 8 Under 35 U.S.C. §103(a)**

Claims 2 and 8 were rejected under 35 U.S.C. §103(a) as being unpatentable over Chekerylla in view of U.S. Patent No. 6,301,512 issued to Motzer (“Motzer”).

Claims 2 and 8 depend from independent Claims 1 and 7 and thus are limited by the language recited by these independent claims. As stated previously in support of Claim 1, Chekerylla fails to disclose or suggest a menu-less interface for viewing medical images and performing image processing on the medical images. Motzer fails to overcome this deficiency of Chekerylla. Motzer, while not specifically disclosing a particular graphical interface implementation for selecting functions to be performed, does suggest an interface implementation which makes use of button-oriented interface much like the interface disclosed by Chekerylla. Therefore, the cited references taken alone or in any proper combination do not disclose or suggest, but, rather, teach away from Applicant's claimed invention. Accordingly, withdrawal of the rejection with respect to Claims 2 and 8 under 35 U.S.C. §103(a) over Chekerylla in view of Motzer and allowance thereof are respectfully requested.

#### **IV. Rejection of Claims 6 and 12 Under 35 U.S.C. §103(a)**

Claims 6 and 12 were rejected under 35 U.S.C. §103(a) as being unpatentable over Chekerylla in view of U.S. Patent No. 5,963,203 issued to Goldberg et al. ("Goldberg et al.").

Claims 6 and 12 depend from independent Claims 1 and 7 and thus are limited by the language recited by these independent claims. As stated previously in support of Claim 1, Chekerylla fails to disclose or suggest a menu-less interface for viewing medical images and performing image processing on the medical images. Goldberg et al. fails to overcome this deficiency of Chekerylla. Goldberg et al. specifically discloses a unique

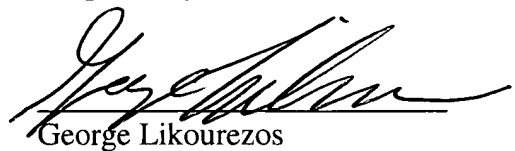
interface for navigating through a series of video frames. The interface as disclosed in Goldberg et al. displays multiple video frames in a cuboid configuration in which the Z-axis represents time or using a "root image". Applicant does not refer to the use of either a cuboid structure or a "root image" as part of the claimed invention. Therefore, the cited references taken alone or in any proper combination do not disclose or suggest, but, rather, teach away from Applicant's claimed invention. Accordingly, withdrawal of the rejection with respect to Claims 6 and 12 under 35 U.S.C. § 103(a) over Chekerylla in view of Goldberg et al. and allowance thereof are respectfully requested.

#### V. Conclusions

In view of the foregoing amendments and remarks, it is respectfully submitted that all claims presently pending in the application, namely, Claims 1-13, are believed to be in condition for allowance and patentably distinguishable over the art of record.

If the Examiner should have any questions concerning this communication or feels that an interview would be helpful, the Examiner is requested to call John Vodopia, Esq., Intellectual Property Counsel, at 914-333-9627.

Respectfully submitted,



George Likourezos  
Reg. No. 40,067  
Attorney for Applicant

**Mailing Address:**  
**Philips Intellectual Property & Standards**  
**345 Scarborough Road**  
**Briarcliff Manor, New York 10510**